

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**BOARD OF ZONING ADJUSTMENT**



Application No. 12687 of Dale Denton, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the prohibition against making an addition to a non-conforming structure which now exceeds the lot occupancy requirements (Paragraph 7107.21) and from the open court requirements (Sub-section 3306.1 and Paragraph 7107.22) to permit a second story rear addition to a dwelling in the R-4 District at the premises 1026 D Street, N.E., (Square 962, Lot 69).

HEARING DATE: June 28, 1978

DECISION DATE: July 5, 1978

FINDINGS OF FACT:

1. The subject site is located on the north side of D Street approximately forty-eight feet from its intersection with 11th Street and is known as 1026 D Street, N.E. It is in an R-4 District.
2. The property consists of 974.67 square feet of land area and is developed with a three story red brick row dwelling.
3. The non-conforming status of the subject property is due to its location on a sub-standard size lot. A minimum lot area of 1,800 square feet is required in the R-4 District.
4. On the north side of the property across an alley there are row dwellings, on the east side immediately adjacent the property there is a vacant lot followed by row dwellings; on the south are row dwellings and on the west side there are row dwellings and the Gelhave apartments.
5. The applicant proposes to renovate a three story brick non-conforming row dwelling to include a second story addition to the rear of the structure. The existing open court width is 4'8.

6. The existing court width will remain the same with the proposed addition. This open court width has existed since the dwelling was constructed prior to the current Zoning Regulations.

7. The proposed rear second story addition does not create the need for a variance from the lot occupancy requirement. The rear addition will be a continuation upwards of the existing first floor walls. The second story addition will not go out beyond the existing first floor wall dimensions. The proposed addition will not add significantly to the structure's non-conformity.

8. By report dated June 26, 1978, the Municipal Planning Office offered the following recommendation. Municipal Planning Office is of the opinion that such relief as requested, can be granted with out substantial detriment to the public good. Municipal Planning Office is supportive of the renovation of the older housing stock in the city, as it encourages other property owners to rehab their properties making their respective neighborhoods more attractive. The Municipal Planning Office recommended that the application be approved.

9. Advisory Neighborhood Commission 6A made no recommendation on the application.

10. There was no opposition to the application, neither at the Public Hearing nor of record.

CONCLUSIONS OF THE LAW:

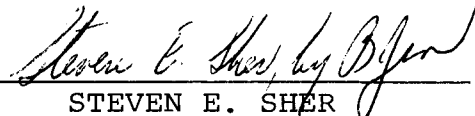
Based on the record the Board is aware that the subject property was constructed with the open court prior to the adoption of the current Zoning Regulations. The requested variance is an area variance, the granting of which requires the showing of practical difficulty. The Board finds that the proposed addition will not increase the lot occupancy

or add significantly to the structures non-conformity. The Board concludes that the denial of this application would result in a peculiar and exceptional practical difficulty to the owner of such property. The Board further concludes that the application can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map. Accordingly, it is therefore ORDERED that this application is GRANTED.

VOTE: 3-0 (Charles R. Norris, William F. McIntosh and Leonard L. McCants; Chloethiel Woodard Smith not voting, not having heard the case).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:

  
STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER: \_\_\_\_\_

**25 JUL 1978**

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.